

MINUTES OF BOARD MEETING

Thursday, April 12, 2018, 7:30 a.m. to 11:40 a.m.
California Regional Water Quality Control Board
Colorado River Basin Region Board Room
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

1. Call Meeting to Order

Roll Call and Introductions

The California Regional Water Quality Control Board, Colorado River Basin Region was called to order by Board Chair Nancy Wright at 7:30 a.m. on April 12, 2018 in Palm Desert, California.

Pledge of Allegiance

Roll Call (Board Members Only)

Nancy Wright, Buford Crites, Tom Davis, Hidali Garcia, and Jayne Powell were present. Ed Muzik was absent. The Board Clerk stated that a quorum was present.

State and Regional Water Board Staff Present:

Jose Angel, Katharine Buddingh, Joaquin Esquivel, Mary Castañeda, Doug Wylie, Nadim Shukry-Zeywar, Jeff Geraci, Adriana Godinez, Emma McCorkle, Scot Stormo, and Reginald Tan.

Others Present

Chuck Sizemore, Coachella Valley Water District
John Lorman, Procopio, Cory, Hargreaves & Savitch LLP (Procopio)
Walter Rusinek, Procopio
Hazel O'Campo, Procopio
Shuichi Okamoto, Earthrise Nutritionals LLC
Steve Williams, Environmental Resources Management (ERM)
Darren Quillen, ERM
Bruce Wilcox, California Natural Resources Agency (CNRA)
Laura Peters, CNRA
Astrid Calderas, La Union Hace La Fuerza (LUHLF)
Lillian Garcia, LUHLF
Steven Stieg, CM Equipment Co., LLC
Chris Guillen, San Diego County Water Authority
Justine Herrig, State Water Resources Control Board
Kerry Morrison, City of West Shores
Frank Ruiz, Audubon Society
Brea Mohamed, Imperial County Farm Bureau
Al Kalin, Imperial County Farm Bureau
Martha Ponce, Comité Civico Del Valle
Miguel Hernandez, Comité Civico Del Valle
Karen Mejia, Comité Civico Del Valle
Sue Fuller, B&B Motel
Felicia Sirchia, U.S. Fish and Wildlife Service

Andy Horne, County of Imperial
Steve Broun, Assemblyman Eduardo Garcia
Sara Toyoda, City of Indio
Stephen Benson, Benson Farms
Jennifer Henke, Coachella Valley Mosquito Vector
Kevin Kelley, Imperial Irrigation District (IID)
Jessica Lovecchio, IID
Joanna Hoff, IID
Katie Burnworth, IID
Steve Charlton, IID
Tina Shields, IID
Mirna Alvarado, IQ Air Foundation
Manuela Ramirez, Lideres Campesinas
Joan Taylor, Sierra Club
Ignacio Ochoa, Sierra Club
Chuck Parker, Courageous Resistance of Coachella Valley
Nikola Lakic, Public
Mark Johnson, Public
Tom Septon, Public

2. **Public Forum**

There were no public speakers.

3. **Uncontested Items**

- A. Order R7-2018-0012 – Resolution Adopting a Mitigated Negative Declaration for the Earthrise Nutritionals Evaporation Pond 8 Project Calipatria - Imperial County (Doug Wylie)
- B. Order R7-2018-0007 – Waste Discharge Requirements for Earthrise Nutritionals, LLC, Microalgae Production Facility Evaporation Pond 8 Class II Surface Impoundment North of Calipatria – Imperial County (Scot Stormo)

Scot Stormo, EG, presented both items concurrently. He covered the key findings of the proposed Mitigated Negative Declaration/Initial Study, the associated Mitigation Monitoring and Reporting Program, and the Waste Discharge Requirements for the proposed construction and operation of Earthrise Nutritionals LLC's Evaporation Pond 8 Class II Surface Impoundment. Mr. Stormo also summarized the history of the facility and the site's hydrological conditions. He discussed the potential environmental impacts from the construction and operation of the proposed evaporation pond, as well as the mitigation measures to address those impacts, including Title 27 prescriptive requirements for the construction, operation, and closure of the pond. He also answered Board members' questions about site-specific hydrologic conditions.

Board members Powell and Davis asked that Regional Water Board staff follow up on whether the facility also needs coverage under the State Water Board's General Permit for Storm Water Discharges Associated with Industrial Activities. Ms. Buddingh suggested that the storm water matter be addressed separately from the two items under consideration. Mr. Angel indicated that staff would follow up on the matter.

John Lormon of Procopio and Shuichi Okamoto, CEO of Earthrise Nutritionals, thanked the Board and its staff for working with Earthrise to make the project a reality. Mr. Okamoto also stated that his company was committed to being in full compliance with all Board requirements.

Motion: Buford Crites moved, Tom Davis seconded, and the motion was carried unanimously to adopt Board Order R7-2018-0012 with Errata.

Motion: Buford Crites moved, Tom Davis seconded, and the motion was carried unanimously to adopt Board Order R7-2018-0007 with Errata.

Closed Session

The Board met in closed session at 8:15 a.m. to consider a personnel matter. The closed session was authorized by Government Code section 11126, subdivision (a)(1).

Chair Nancy Wright, Vice Chair Buford Crites, and Board members Tom Davis, Hidali Garcia, and Jayne Powell were present for the closed session; Ed Muzik was absent. Jose Angel and Lori Okun also participated.

The Board came back from closed session and reconvened regular session at 8:45 a.m.

4. Salton Sea Informational Workshop

- A. Staff Report [*Jeff Geraci, Senior E.S.; Jose L. Angel, P.E.*]
- B. Input from Other Public Agencies
 - California Natural Resources Agency (TBD)
 - Imperial County (TBD)
 - Imperial Irrigation District (TBD)
 - Riverside County (TBD)
 - Salton Sea Authority (TBD)
 - Others
- C. Input from Members of the Public
- D. Board Discussion and Direction to Staff

Prior to starting the workshop, Chair Wright provided Regional Water Board supervisors Doug Wylie and Nadim Shukry-Zeywar with an opportunity to introduce their new staff members. Mr. Wylie introduced Adriana Godinez, a recent graduate from U.C. Riverside and a WRCE, and Reginald Tan, a recent graduate from Iowa State University and a WRCE. Mr. Shukry-Zeywar introduced Emma McCorkle, who has a Master's Degree in Environmental Systems from U.C. Merced and is an Environmental Scientist.

The purpose of the workshop was informational. The meeting was well attended by various agencies, stakeholders, and members of the general public.

Bruce Wilcox, California Natural Resources Agency (CNRA) Assistant Secretary for Salton Sea, presented a general overview of the Salton Sea Management Program (SSMP). He also expressed his support for Board staff's recommendations for additional water quality monitoring. Laura Peters of CNRA presented an update on CNRA's ongoing 10-Year Plan projects to mitigate air quality impacts and provide habitat for wildlife (e.g., Red Hill Marina, projects near the New River Delta, and projects near the Alamo River Delta). She also discussed plans involving Coachella Valley Water District for the north end of the Sea, and she mentioned some of the challenges to completing the projects, including securing easements.

Jeff Geraci kicked off the presentation of the Regional Water Board's Staff Report by providing the Board with an overview of the main water quality issues of concern in relationship to the SSMP: (1) salinity, (2) nutrients, (3) toxicity, (4) pesticides, (5) bioaccumulation of certain pollutants, and (6)

New River pollution from Mexico. Jose Angel followed and provided the Board with a series of recommendations to address the issues, including:

- Amending the existing conditional waivers of WDRs for agricultural runoff from Coachella Valley and Imperial Valley to monitor and address toxicity;
- Developing site-specific water quality standards for the SSMP 10-Year Plan's water-based projects;
- Requesting that CNRA develop and implement a monitoring program to track bioaccumulation of pollutants of concern, and as necessary, prepare and implement a plan to address bioaccumulation;
- Re-prioritization of TMDLs to support the SSMP;
- Regulating the discharge of dredged sediments; and
- Continued binational cooperation to address New River pollution from Mexico.

Board member Davis requested staff follow up and report back to the Board on what the quality and quantity of water in the New River from Mexico has been historically and is projected to be for the near future. Mr. Angel replied that staff will report back as directed.

Mr. Esquivel stated that he was pleased to be at the workshop to learn about both sides of the issue and supported the collaborative approach that Regional Water Board staff was recommending to tackle some of the main water quality issues, including the formation of a Technical Advisory Committee [to develop site-specific water quality standards].

Other speakers brought to the attention of the Board the following issues:

- Kevin Kelley of IID expressed concern that a heavy regulatory approach by the Board could hinder progress with the restoration of Salton Sea. He stated that the most needed thing for the Salton Sea is some measure of success. He urged caution with additional regulation and its unintended consequences.
- Miguel Hernandez of Komite Civico del Valle (CCDV) discussed his organization's air quality monitoring efforts and its grassroots outreach efforts to educate the public about the Salton Sea's problems, including air quality problems, and measures they can take to protect their health. Karen Meija, also from CCDV, shared with the Board her organization's School Flag Program, which is designed to protect students from air quality impacts.
- Andy Horne of Imperial County commented that the County would be interested in participating in the Board's regulatory efforts in support of the SSMP and restoration efforts.
- Steve Broun expressed thanks to the Board for its efforts and highlighted past and current work done by Assemblyman Garcia to support Salton Sea management and restoration efforts. He encouraged the Board to work in a cooperative matter in support of the SSMP.
- Kerry Morrison, Mayor of the City of West Shores, stated that there was much work to be done to address the Salton Sea's problems, and while there has been good amount of discussion in the past by various public agencies about the problems of the Salton Sea, there have not been enough solutions. He added that he was pleased that the 10-Year Plan is finally underway, but remained concerned about the projected amount of exposed playa and that not enough is being done to address that problem. He encouraged the Board to continue advocating for the Sea.
- Al Kalin introduced Brea Mohamed, the new Executive Director for the Imperial County Farm Bureau. He also stated that cooperation is essential [for water quality control] and that he would like to see acknowledgment of the work that farmers are doing to improve water quality. Ms. Mohamed explained that portions of the Regional Water Board's Staff Report

were not accurate (e.g., on the number of bird species found at the Salton Sea) and requested more timely and improved communication between the Regional Water Board staff and the Farm Bureau regarding Salton Sea issues.

- Mark Johnson expressed concerns about the water quality impacts of agricultural runoff from the Coachella Valley on the Salton Sea and requested that the Board assign Municipal and Domestic Water Supply (MUN) as one of the beneficial uses of the channel. Mr. Angel expressed concerns about spending limited resources on establishing such beneficial use, particularly since the Board has not received any information indicating that water from the channel can or will be put to such use.
- Nikola Lakic presented information concerning his proposal to bring brining water from the Pacific Ocean for Salton Sea restoration and mentioned that he had discussed it with Regional Water Board staff.
- Lillian Garcia of LUHLF discussed some of her research findings about the Salton Sea. She stated that adverse health impacts are the main area of concern for the Sea, due to the pesticides going into it from its tributaries. She added that she was concerned about warfare materials that the Navy used for testing in and around the Salton Sea in the 1940s and 1950s, including bombs. She added that the Board should not approve [conditional waivers of WDRs] for [any projects related to the Salton Sea]. Astrid Calderas of LUHLF expressed concerns about New River pollution from Mexico and air quality impacts from exposed playa.
- Tom Septon thanked the Board for the Workshop and expressed support for the work Regional Water Board did on the Staff Report. He commented on the Sea's salinity problem and its aquatic habitat impacts, including the imminent collapse of the fishery. He disagreed with other speakers who stated that management of salinity is infeasible or prohibitively expensive. He indicated his proposal to manage salinity is viable and available for review on the CNRA's SSMP website.
- Chuck Parker of Courageous Resistance of Coachella Valley stated that his coalition represents over 1700 members, who are focused on restoring the Salton Sea because the Sea's problems threaten the quality of life in the Coachella Valley. He added that his organization is helping organize an "Earth Day" event in Desert Shores, the following Sunday, to kick off a project there to restore the Marina—a grassroots effort that is now part of the 10-Year Plan. He urged the Board not to ignore the water quality problems in Desert Shores and to get behind restoration efforts. He also asked the Board to include community representatives in the proposed Technical Advisory Committee.

Following the presentations, Chair Wright and Board members Powell and Garcia thanked all the workshop participants. Then the Regional Water Board directed the Executive Officer to start implementing the Staff Report's recommendations. Chair Wright concluded the workshop by stating that the next Board meeting would be on May 12 in Calexico.

Adjournment of Board Meeting

Meeting Adjourned at 11:40 a.m.